



September 23, 2009

The meeting was called to order by Chairman Crystal J. Abers.

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed one Legislator absent - Mr. McLarney.

MR. SNYDER moved, seconded by Mr. Giardini that the minutes of the September 9, 2009 session be approved. Carried.

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**COMMUNICATIONS:**

Governor Paterson: Letter acknowledging receipt of Act No. 486-2009.

New York State Department of State: Letter acknowledging receipt of Local Law Number 4-2009 and the filing of the same.

New York State Office of the State Comptroller: Letter acknowledging receipt of Act No. 462-2009.

New York State Department of Taxation and Finance: Letter acknowledging receipt of Local Law Number 4-2009.

Assembly Member Giglio: Letter acknowledging receipt of Act No. 466-2009; and letter reporting that Assembly Bills A.4233 and A.4234 were signed by Governor Paterson.

Cayuga County Legislature: A copy of its Resolution No. 429-09, Resolution Urging Senators Schumer and Gillibrand and Congressman Arcuri to Oppose any "Carcieri Fix".

New York State Association of Counties: Letter acknowledging receipt of Act No. 466-2009.

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**APPOINTMENTS:**

**Workforce Investment Board:**  
***Term to expire December 31, 2009***

Carrie Childs  
Payroll and Market Representative  
Childs Blueberries  
3207 Cooper Hill Road  
Humphrey, New York 14741  
(replacing John Francisco)

**Fair Housing Officer:**  
***Indefinite Term***

John Sayegh, Director  
Department of Economic Development, Planning and Tourism  
303 Court Street  
Little Valley, New York 14755

CHAIRMAN ABERS granted privilege of the floor to Lindsay Petrillose, Partnership Specialist with the United States Census Bureau, who spoke regarding the upcoming 2010 census and the Partnership Program which began in 2000. She also introduced six co-workers. They stressed the importance of the public's participation in the 2010 census. There is also a new component of the program to educate parents of college students, as well as the college students themselves, in the importance of registering at the college where they reside over six months of the year.

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**ACT NO. 488-2009** by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR PURCHASE OF ONE HYDRAULIC TRACK EXCAVATOR  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 215, 363 and 366 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of one (1) new and unused 2009 or newer hydraulic track excavator, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for one (1) new and unused 2009 or newer Link-Belt 135 Spin Ace hydraulic track excavator, was the bid of George & Swede Sales & Service, Inc., 7155 Big Tree Road, Pavilion, New York 14525, with the net cost of \$17,150, determined as follows:

Cost Before Trade-In Allowance	\$115,747.00
- Minus Trade-In Allowance Model #2108	<u>\$-98,597.00</u>
Net Cost	\$ 17,150.00,

and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of George & Swede Sales & Service, Inc. be, and the same hereby is, accepted, for a term commencing upon receipt of the order and terminating 150 days thereafter, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

State Bid does not offer buy back option.  
Eleven sets of specifications were sent out.  
Two bids were received.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 489-2009** by Mr. Vecchiarella  
and Mr. McClune<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS  
FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG)**

Pursuant to American Recovery and Reinvestment Act of 2009  
(Public Law 111-5), 42 U.S.C. Section 3751(a) and  
Section 450 of the County Law.

WHEREAS, Act 188-2009 authorized the Sheriff's Office to apply for funding through the U.S. Department of Justice, Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant (JAG), and

WHEREAS, the County Sheriff's Office has been awarded funding in the amount of \$27,553 through the aforementioned Edward Byrne Memorial Justice Assistance Grant (JAG), and

WHEREAS, JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives, and

WHEREAS, this program is 100% funded through the American Recovery and Reinvestment Act of 2009, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the U.S. Department of Justice, Office of Justice Programs, in order to accept and receive the aforementioned funding, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Safety Committee.

<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. McClune".

Adopted September 23, 2009 by voice vote.

**ACT NO. 490-2009** by Mrs. Abers

**AMENDING ACT 183-2004 REGARDING APPOINTMENT OF MEMBERS TO  
DEFERRED COMPENSATION COMMITTEE**

Pursuant to Sections 457 of the Internal Revenue Code.

WHEREAS, Act 183-2004 amended the Deferred Compensation Plan for Cattaraugus County, and appointed members to the committee, and

WHEREAS, due to the retirement of Paula Mohr, it is necessary to appoint a replacement committee member, and

WHEREAS, the president of CSEA Local 805, has recommended Kathy Johnson as a replacement to represent unit members on the committee, now, therefore, be it

RESOLVED, that effective immediately, Kathy Johnson is hereby appointed to the "Deferred Compensation Committee" replacing Paula Mohr.

Approved by 6 members of the Finance Committee and 3 members of the Labor Relations Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 491-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH CENTER FOR FAMILY UNITY, INC.  
FOR POP-IN VISITATION FOR AT-RISK CHILDREN  
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Social Services)**

Pursuant to Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of obtaining visitation services for families with at-risk children during non-traditional work hours, including evenings and weekends, and

WHEREAS, the Center for Family Unity, Inc., 4039 Route 219, Salamanca, New York 14779, can provide both planned and unplanned visits to families working with the Cattaraugus County Child Welfare Unit for an amount not to exceed \$33,341, and

WHEREAS, this program is 100% federally funded through the flexible fund for family services, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Center for Family Unity, Inc., for the provision of the above-described services, for a term commencing October 1, 2009 and terminating December 31, 2010, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Decrease Appropriation Account:

A.6018.443	EITC Expenses	\$6,668.00
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Increase Appropriation Account:

A.6018.523	Center for Family Unity	\$6,668.00.
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<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

MR. SNYDER moved, seconded by Mr. McClune to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 492-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH UNITED WAY OF SOUTHERN CHAUTAUQUA COUNTY FOR  
211 DISASTER-RELATED INFORMATION AND REFERRAL ASSISTANCE PHONE NUMBER**

Pursuant to Section 450 of the County Law.

WHEREAS, the United Way of Southern Chautauqua County has provided additional services to the residents of Cattaraugus County through the 211 disaster-related information and referral assistance phone number during the recovery from the August 9, 2009 flood, and

WHEREAS, the County Department of Social Services is desirous of paying to the United Way of Southern Chautauqua County an amount of \$2,000 to assist with the additional costs it has incurred, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned assistance, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Chautauqua County, to provide financial assistance for use of the 211 disaster-related information and referral assistance phone number, for a term commencing October 1, 2009 and terminating December 31, 2009, according to the above-described terms.

<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

MR. AIELLO moved, seconded by Mr. Boser to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 493-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella, Mr. McClune and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MENTAL HEALTH  
ASSOCIATION IN CATTARAUGUS COUNTY, INC. FOR  
CAMP NEW HORIZONS RESIDENTIAL SUMMER CAMP AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Social Services)**

Pursuant to Social Security Act, Title IV, Part A, as amended,  
Public Law 104-193, Public Law 105-33 and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 378-2008 authorized a contract with the Mental Health Association in Cattaraugus County, Inc., 502 North Union Street, Olean, New York 14760, for the provision of Camp New Horizons residential summer camp for TANF-eligible and 200% TANF-eligible youths in an effort to reduce at-risk factors, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned camp, and

WHEREAS, Mental Health Association in Cattaraugus County, Inc., has agreed to operate three (3) 8-day residential summer camp sessions, at Camp Allegany in the Allegany State Park, for children and adolescents ages 8-15 whose emotional and/or behavioral problems make it difficult for them to succeed in traditional camp settings, and

WHEREAS, the County Department of Social Services shall provide funding for up to 33 participants at an amount of \$900 per participant, not to exceed \$29,700, and

WHEREAS, this program is 100% federally funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Mental Health Association in Cattaraugus County, Inc., for the provision of the above-described residential summer camp, for a term commencing July 1, 2009 and terminating September 30, 2009, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Account:

A.4618	TAVF & Employment Services Grant	\$12,200.00
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Increase Appropriation Account:

A.6018.517	Camp New Horizons	\$12,200.00.
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<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Vecchiarella, Mr. McClune and Mr. Padlo".

MR. BURRELL moved, seconded by Mr. Giardini to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 494-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
COUNCIL ON ADDICTION RECOVERY SERVICES, INC.  
FOR CAMP CASA RESIDENTIAL SUMMER CAMP**

Pursuant to Social Security Act, Title IV, Part A, as amended,  
Public Law 104-193, Public Law 105-33 and  
Section 450 of the County Law.

WHEREAS, Act 377-2008 authorized a contract with the Cattaraugus County Council on Alcoholism and Substance Abuse, Inc., 201 South Union Street, Olean, New York 14760, for the provision of a residential summer camp for TANF eligible and 200% TANF eligible youths in an effort to reduce at-risk factors, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned residential summer camp, and

WHEREAS, the Council on Addiction Recovery Services, Inc., formerly the Cattaraugus County Council on Alcoholism and Substance Abuse, Inc., has agreed to operate Camp Casa residential summer camp, at Camp Allegany in the Allegany State Park, for children and adolescents ages 8-11 who are at risk of alcohol and substance abuse, and

WHEREAS, the County Department of Social Services shall provide an amount of \$303 per camper, for up to 8 TANF-eligible youth, for a total not to exceed \$2,424, and

WHEREAS, this program is 100% federally funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Council on Addiction Recovery Services, Inc., for the provision of the above-described residential summer camp, for a term commencing July 1, 2009 and terminating September 30, 2009, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

MR. O'BRIEN moved, seconded by Mr. Hebdon to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 495-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH EDUCATIONAL & TREATMENT ALTERNATIVES, INC.  
FOR PINS PLACEMENT PREVENTION PROGRAM PROSOCIAL BEHAVIOR TRAINING  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Social Services)**

Pursuant to Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 677-2007 authorized a contract with Educational & Treatment Alternatives, Inc., 3951 Shamrock Court, Erie, Pennsylvania 16510, for the provision of prosocial behavior training to antisocial youths who are in a placement prevention program, and

WHEREAS, the Department of Social Services is desirous of providing another training session, and

WHEREAS, Educational & Treatment Alternatives, Inc., can provide one (1) training session to teach prosocial behavior to antisocial youth for an amount of \$8,000, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned services, now, therefore, be it



RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Educational & Treatment Alternatives, Inc., for the provision of the above-described services, for a term commencing October 1, 2009 and terminating October 2, 2009, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Decrease Appropriation Account:

A.4618	FFFS	\$8,000.00
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Increase Appropriation Account:

A.6018.518	Aggression Therapy	\$8,000.00.
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<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

MR. MURPHY moved, seconded by Mr. Sprague to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 496-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Teachman, Mr. Vecchiarella, Mr. McClune and Mr. Padlo<sup>1</sup>

**AUTHORIZING DEPARTMENT OF SOCIAL SERVICES TO SUBMIT  
CATTARAUGUS COUNTY COORDINATED PUBLIC TRANSIT  
HUMAN SERVICES TRANSPORTATION PLAN TO  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

Pursuant to 49 U.S.C. 5310 et seq. and Section 450 of the County Law.

WHEREAS, the Cattaraugus County Coordinated Public Transit-Human Services Transportation Plan has been developed in response to the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), and

WHEREAS, SAFETEA-LU requires the establishment of a "locally developed, coordinated public transit human services transportation plan" for all Federal Transit Administration (FTA) programs for underserved populations: the Elderly Individuals and Individuals with Disabilities program, and

WHEREAS, the purpose of the planning requirement is to improve transportation services for persons with disabilities, older Americans, and individuals with lower incomes, and

WHEREAS, the plan is intended to identify the transportation needs of individuals with disabilities, older adults, and people with low incomes, provide strategies for meeting those local needs, and prioritize transportation services for funding and implementation, and

WHEREAS, a coordinated plan for human services transportation enhances transportation access, minimizes duplication of Federal services, and encourages the most cost-effective transportation possible, and

WHEREAS, it is necessary to submit the above-described plan to the New York State Department of Transportation for approval, now, therefore, be it

RESOLVED, that the County Department of Social Services be, and hereby is, authorized and directed to submit the Cattaraugus County Coordinated Public Transit-Human Services Transportation Plan to the New York State Department of Transportation for approval, *and be it further*

*RESOLVED, that the Cattaraugus County Legislature has reviewed and approved the plan for submission to the New York State Department of Transportation.*<sup>2</sup>

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Teachman, Mr. Vecchiarella, Mr. McClune and Mr. Padlo".

<sup>2</sup> MR. O'BRIEN moved, seconded by Mr. Vecchiarella to amend Act No. 496-2009 as follows: In the first Resolved, add: ", and be it further", then add a second Resolved: "RESOLVED, that the Cattaraugus County Legislature has reviewed and approved the plan for submission to the New York State Department of Transportation." Carried.

MR. NEAL moved, seconded by Mrs. Witte to waive Rule 12. Carried.

Adopted, as amended, September 23, 2009 by voice vote.

**ACT NO. 497-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF CATTARAUGUS COUNTY  
FOR FOOD STAMP NUTRITIONAL EDUCATION PROGRAM**

Pursuant to 7 CFR Part 227 and Section 450 of the County Law.

WHEREAS, Act 653-2007 authorized a contract with Cornell Cooperative Extension Association of Cattaraugus County, 28 Parkside Drive, Suite A, Ellicottville, New York 14731, for the provision of the Food Stamp Nutrition Educational Program, the term of which expired September 30, 2008, and

WHEREAS, the Food Stamp Nutritional Education Program is designed to target food stamp applicants and recipients, including: individuals, senior citizens, sheltered workshops participants, homeless individuals and youth at risk in Cattaraugus County, and

WHEREAS, the purpose of the aforementioned program is for participants to acquire knowledge, skills and desired practices which contribute to the health and well-being of themselves and/or their families, and

WHEREAS, Cornell Cooperative Extension Association of Cattaraugus County has again agreed to implement the aforementioned programs for an amount of \$604,590, consisting of \$302,295 local share and \$302,295 federal share, and

WHEREAS, this program is partially federally funded, with the remainder being donated services by Cornell Cooperative Extension, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus

County, with Cornell Cooperative Extension Association of Cattaraugus County, for the provision of the above-described Food Stamp Nutritional Education Program, for a term commencing October 1, 2008 and terminating September 30, 2009, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished.

<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

MR. ELLIS moved, seconded by Mr. Padlo to waive Rule 12. Carried.

MR. SPRAGUE moved, seconded by Mr. Hebdon to refer Act No. 497-2009 back to the Finance Committee and the Human Services Committee.

CHAIRMAN ABERS requested a Roll Call Vote on the motion to refer Act No. 497-2009 back to the Finance Committee and the Human Services Committee which disclosed as follows:

Ayes: Hebdon 1.0915, McClune 0.8834, Sprague 1.0530 - 3.0279.

Nays: Aiello 0.8772, Boser 1.0094, Mr. Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Marsh 1.0843, Murphy 1.0875, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, Witte 0.8772, Abers 1.0265 - 16.9088.

Motion failed.

Adopted September 23, 2009 by voice vote. Mr. Sprague voting no.

**ACT NO. 498-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF CATTARAUGUS COUNTY  
FOR HEALTH DEPARTMENT WIC PEER COUNSELING PROGRAM**

Pursuant to 42 USCS Section 1786 and  
Section 450 of the County Law.

WHEREAS, Act 516-2008 authorized a contract with Parent Education Program, Inc., for the provision of a breastfeeding peer counselor for the WIC program, the term of which expires September 30, 2009, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services, and

WHEREAS, Cornell Cooperative Extension Association of Cattaraugus County, 28 Parkside Drive, Ellicottville, New York 14731, has agreed to provide part-time breastfeeding peer counselors for the County Health Department's WIC program, for an amount not to exceed \$14,000, as follows:

Peer Counselor Wages	not to exceed	\$12,264.00
(\$10.72/hr for no more than 22 hrs/week)		
Work Related Expenses-actual cost reimbursement	not to exceed	\$ 1,000.00

Administrative/Fringe Benefits not to exceed \$ 736.00,

and

WHEREAS, this program is 100% funded through the USDA Loving Support Through Peer Counseling Grant Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cornell Cooperative Extension Association of Cattaraugus County, for the provision of the above-described services, for a term commencing October 1, 2009 and terminating September 30, 2010, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of funding for this program, then this program shall be automatically abolished.

<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

MR. MARSH moved, seconded by Mr. Sprague to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 499-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AMENDING ACT 741-2008 REGARDING CONTRACTS WITH  
VARIOUS INDIVIDUALS FOR EMERGENCY MEDICAL SERVICES INSTRUCTORS**

Pursuant to Article 30-A of the Public Health Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 741-2008 authorized the County Administrator to execute contracts with various individuals for emergency medical services instructors, the terms of which expire December 31, 2011, and

WHEREAS, the County Health Department is desirous of amending Act 741-2008 to include H1N1 virus (Swine Flu) services for coordination, clinic services, clerical support and/or data entry, and

WHEREAS, Act 741-2008 should be amended to include the following services and corresponding rate schedule:

<u>Title</u>	<u>2009-2011 Hourly Rate</u>
NYS Certified Instructor Coordinator or H1N1 Services	\$30.00
NYS Certified Lab Instructor or H1N1 Services	\$20.00
Practical Exam Coordinator or H1N1 Services	\$15.00
Practical Exam Evaluation or H1N1 Services	\$10.00
Instructor Coordinator or H1N1 Services	\$14.00
Lab Instructor or H1N1 Services (non-certified)	\$10.50
Lawyers	\$35.00
Medical & Health Professionals or H1N1 Services (Physicians, Registered Nurses, competent in the management of patients requiring advanced life support care),	\$35.00

now, therefore, be it

RESOLVED, that Act 741-2008 be amended to include the above-listed services and corresponding rate schedule.

<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

MR. TEACHMAN moved, seconded by Mr. McClune to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 500-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MICHELE SIMON FOR HEALTH DEPARTMENT  
AUDIOLOGY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Section 450 of the County Law.

WHEREAS, the County Health Department is in need of audiology services for patients of the County Health Department Home Health Care Program, and

WHEREAS, Michele Simon, 3799 South Nine Mile Road, Allegany, New York 14706, has agreed to provide audiology services to County Health Department patients, on an as-needed basis, at the rate of \$160 per screening, and

WHEREAS, this program is 100% state and federally reimbursable, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Michele Simon, for the provision of the above-described services, for a term commencing September 1, 2009 and terminating December 31, 2011, according to the above-described terms, and be it further

RESOLVED, that upon termination or reduction of state or federal funding for this program, this program shall be automatically abolished.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Vecchiarella and Mr. Padlo".

MS. VICKMAN moved, seconded by Mr. Hebdon to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 501-2009** by Mr. Aiello and Mr. Snyder  
and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
THE PYRAMID LIFE INSURANCE COMPANY AND  
AMERICAN PROGRESSIVE LIFE & HEALTH INSURANCE COMPANY OF NEW YORK  
FOR HEALTH DEPARTMENT COVERED SERVICES**

Pursuant to 42 U.S.C. Section 1320a and Section 450 of the County Law.

WHEREAS, the Department of Health is desirous of contracting with The Pyramid Life Insurance Company and the American Progressive Life & Health Insurance Company of New York for participation in home health care benefit plans, and

WHEREAS, The Pyramid Life Insurance Company, collectively with the American Progressive Life & Health Insurance Company of New York, 4888 Loop Central Drive, Suite 700, Houston, Texas 77081, hereinafter the "Plan", have agreed to:

- allow the County Health Department to participate in its Medicare Advantage preferred provider organization (PPO) benefit plan, and/or its Private Fee-For-Service (PFFS) benefit plan;
- reimburse the County Health Department for home health care services provided to "Plan" subscribers in accordance with current Medicare allowable rates,

now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with The Pyramid Life Insurance Company, collectively with the American Progressive Life & Health Insurance Company of New York, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

<sup>1</sup> The following Legislator requested his name be listed as an additional sponsor: "Mr. Vecchiarella".

MR. MARSH moved, seconded by Mrs. Witte to waive Rule 12. Carried.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 502-2009** by Mr. Ellis, Mr. Murphy, Mr. Neal,  
Ms. Vickman and Mr. McClune

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH JOHN P. MILLER, DPM FOR DEPARTMENT OF  
NURSING HOMES PODIATRY SERVICES**

Pursuant to Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 481-2006 authorized a contract with John P. Miller, DPM, 2646 West State Street, Olean, New York 14760, for the provision of podiatry services for the residents of the Pines Healthcare & Rehabilitation Center - Olean Campus, the term of which expires September 30, 2009, and

WHEREAS, the County Department of Nursing Homes is desirous of renewing the aforementioned contract, and

WHEREAS, John P. Miller, DPM, has agreed to provide the aforementioned podiatry services at the Pines Healthcare & Rehabilitation Center - Olean Campus for an amount as follows:

Hourly Rate	\$180.00	or
4 Hour session	\$650.00	or
Per patient	\$ 30.00 per patient (minimum of 10 patients),	

and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with John P. Miller, DPM, for the provision of the above-described services, for a term commencing October 1, 2009 and terminating September 30, 2010, with the option to renew for two (2) one-year terms at the same rate, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Senior Services Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 503-2009** by Mr. Burrell and Mr. Boser

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH ANNE CONROY-BAITER D/B/A GREEN PEAR PRESS FOR GRAPHIC DESIGN AND LAYOUT SERVICES FOR 2010 CATTARAUGUS COUNTY ACTIVITIES GUIDE**

Pursuant to Section 225 of the County Law, Section 164 of the Economic Development Law and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 484-2008 authorized a contract with Register Graphics, Inc., for the provision of graphic design services for the Cattaraugus County 2009 Travel Guide, the term of which expired April 30, 2009, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of obtaining the services of a graphic designer for the Cattaraugus County 2010 Activities Guide (formerly called Travel Guide), and

WHEREAS, Anne Conroy-Baiter, d/b/a Green Pear Press, 3744 West Branch Road, Allegany, New York 14706, can provide the aforementioned services for an amount of \$5,000 for 48 pages, as follows:

- Design for 2010 Cattaraugus County Activities Guide;
- Provide complete design and layout services with up to three (3) proofs/revisions for approval;
- Provide PDF of final refined high-resolution file;

- Lo-res Iris & Hi-res digital final proofs;
- Provide approved final files on CD or as specified with Hi-res proofs,

and

WHEREAS, funding for this Activities Guide is provided through the I Love NY Matching Funds program, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Anne Conroy-Baiter, d/b/a Green Pear Press, for the provision of the above-described services, for a term commencing October 1, 2009 and terminating April 30, 2010, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 504-2009** by Mr. Burrell and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH HOMEWOOD SUITES BY HILTON  
FOR PTAC GOVERNMENT CONTRACT LAW SEMINAR**

Pursuant to Section 95 of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of hosting a PTAC Government Contract Law Seminar on October 30, 2009, at Homewood Suites by Hilton located at 760 Dick Road in Buffalo, and

WHEREAS, Homewood Suites by Hilton can provide the facility and the snacks and refreshments for the aforementioned seminar for an amount not to exceed \$600, and

WHEREAS, sufficient funds are included in the 2009 budget of the Department of Economic Development, Planning and Tourism to cover the cost of the aforementioned seminar, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Homewood Suites by Hilton, for the use of the above-described facility and the provision of snacks and refreshments, for a term commencing October 29, 2009 and terminating October 31, 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted September 23, 2009 by voice vote.



**ACT NO. 505-2009** by Mr. Burrell and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
THE ALBO & OBLON, LLP LAW FIRM FOR  
PTAC GOVERNMENT CONTRACT LAW SEMINAR**

Pursuant to Section 95 of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, the County Department of Economic Development, Planning and Tourism is hosting a PTAC Government Contract Law Seminar on October 30, 2009, at Homewood Suites by Hilton located at 760 Dick Road in Buffalo, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is responsible for hiring the law firm of Albo & Oblon, LLP to conduct the aforementioned Government contract training seminar, and

WHEREAS, the law firm of Albo & Oblon, LLP, Arlington Main Office, Courthouse Plaza, 2200 Clarendon Boulevard, Suite 1201, Arlington, Virginia 22201, can conduct a three-hour PTAC Government Contract Law Seminar for a total amount of \$2,940, less an in-kind donation of \$2,340, for a total cost to the County and PTAC of \$600, and

WHEREAS, sufficient funds are included in the 2009 budget of the County Department of Economic Development, Planning and Tourism to cover the cost of the aforementioned seminar, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the law firm of Albo & Oblon, LLP, for the provision of the above-described services, for a term commencing September 1, 2009 and terminating November 1, 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted September 23, 2009 by voice vote.

**ACT NO. 506-2009** by Mr. Burrell and Mr. Boser  
*and Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh,  
Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder,  
Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser,  
Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague,  
Mr. Ward and Mrs. Witte<sup>1</sup>*

**INITIATION OF SEQR PROCESS AND INTENT TO DECLARE CATTARAUGUS COUNTY  
LEGISLATURE LEAD AGENCY FOR SEQR REVIEW OF MAINTENANCE OF SNOWMOBILE  
TRAILS FOR CATTARAUGUS COUNTY SNOWMOBILE FEDERATION UNDER  
CATTARAUGUS COUNTY LEGISLATURE SPONSORED NEW YORK STATE GRANT**

Pursuant to 6 NYCRR Section 617.6.

WHEREAS, the Cattaraugus County Snowmobile Federation needs state funding to maintain snowmobile trails in Cattaraugus County, New York, and

WHEREAS, New York State requires the County to be the local sponsor to apply for this funding for snowmobile clubs throughout the County, and

WHEREAS, Act 404-2009 authorized the County to act as local sponsor for the grant application, and

WHEREAS, the proposed action is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review (SEQR) Act, and

WHEREAS, under SEQR, a lead agency must be designated to conduct an environmental review of the action, and

WHEREAS, the Department of Economic Development, Planning and Tourism is preparing an Environmental Assessment Form (EAF), and

WHEREAS, the proposed action is an Unlisted action as described in 6 NYCRR 617.2, and

WHEREAS, Cattaraugus County is requesting as the local sponsor, lead agency status, and anticipates filing a Negative Declaration for the proposed action which would make the preparation of an Environmental Impact Statement (EIS) not necessary, based on currently available information, and

WHEREAS, the proposed action is not expected to have a significant adverse impact on the environment because the Cattaraugus County Snowmobile Trail Federation has consulted with all snowmobile clubs in Cattaraugus County, has compiled 2009-2020 Snowmobile Trail Prior Approval Requests for Trail Changes, and has coordinated their work with all appropriate state agencies, and

WHEREAS, the New York State Department of Parks, Recreation and Historic Preservation, acting as the Snowmobile Trails Grant-in-Aid Program administrator, has been consulted regarding the SEQR status and potential impact of the proposed action as described in the 2009-2010 Snowmobile Trail Prior Approval Requests for Trail Changes, and agrees that the action can be classified as an Unlisted Action under SEQR with no adverse impacts anticipated, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature initiate the environmental review process under SEQR for the 2009-2010 snowmobile trail maintenance grant, and requests Lead Agency status for this proposed action, and shall notify involved agencies and other concerned parties, and be it further

RESOLVED, that the Cattaraugus County Legislature anticipates filing a Negative Declaration for the proposed action which would make the preparation of an Environmental Impact Statement (EIS) not necessary, based on currently available information.

Approved by 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte".

Adopted September 23, 2009 by voice vote.

**ACT NO. 507-2009** by Mr. Aiello and Mr. Snyder  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC., FOR DEPARTMENT OF  
COMMUNITY SERVICES TO PROVIDE MENTAL HEALTH SERVICES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Department of Community Services is desirous of  
contracting for the services of three (3) mental health positions, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street,  
Salamanca, New York 14779, can provide the aforementioned personnel, as  
follows:

Social Worker/Mental Health Therapist for	2009 - \$14,609
Franklinville School District	2010 - \$58,435
Social Worker/Mental Health Therapist for	2009 - \$14,609
Salamanca Mental Health Clinic	2010 - \$58,435
Intake Coordinator in MH Clinic	2009 - \$13,250
	2010 - \$53,000,

and

WHEREAS, various appropriation and revenue accounts must be  
adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is,  
authorized and directed to execute a contract, on behalf of Cattaraugus  
County, with Cattaraugus Community Action, Inc., for the provision of the  
above-described services, for a term commencing October 1, 2009 and  
terminating December 31, 2010, according to the above-described terms, and be  
it further

RESOLVED, that the County Administrator is hereby directed to  
make the following budgetary changes:

**Increase Estimated Revenue Accounts:**

A.1617	Clinic CSP Revenue	\$ 816.00
A.1618	MH Clinic Medicaid Fees	\$ 2,856.00
A.1620	MH Clinic Fees	\$ 8,160.00
A.1623	Clinic Medicaid Supplement	\$28,969.00
A.2724	Franklinville Cost Share - MSW/MHT	\$ 1,667.00

**Increase Appropriation Accounts:**

A.4329.445	Contractual Agreement - Child MH Clinic	\$21,234.00
A.4330.445	Contractual Agreement - Adult MH Clinic	\$21,234.00.

MR. SNYDER moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted September 23, 2009 by voice vote.

**ACT NO. 508-2009** by Mr. Aiello and Mr. Snyder  
who ask immediate consideration

**CREATING SIX POSITIONS OF LABORER II AND ONE POSITION OF  
PART-TIME SEASONAL WORK SITE SUPERVISOR IN DEPARTMENT OF  
SOCIAL SERVICES, ESTABLISHING COMPENSATION FOR SAME AND  
ADJUSTING VARIOUS APPROPRIATION AND ESTIMATED REVENUE ACCOUNTS  
(SOCIAL SERVICES)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and  
Section 22 of the Civil Service Law.

WHEREAS, the Department of Social Services has been provided with \$63,201 through the New York State Office of Temporary and Disability Assistance to operate the Transitional Jobs Program for individuals who are receiving TANF or who are eligible under the 200% TANF program, and

WHEREAS, these individuals are required to be placed in subsidized employment for a minimum of 23 hours a week and attend an educational program for a minimum of seven hours a week, and

WHEREAS, implementation of this program requires the services of six (6) seasonal laborers and one part-time seasonal Work Site Supervisor who would assist eligible individuals, and

WHEREAS, there are no increased costs to the County for the additional staff, and

WHEREAS, the New Position Duties Statements have been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the titles as six (6) Laborers, to be filled on a seasonal basis and one (1) Part-time Work Site Supervisor, to be filled on a seasonal basis, in accordance with Section 22 of the Civil Service Law, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created six positions of Laborer, to be filled on a seasonal basis, Grade 8C (\$8.32 per hour, seasonal salary schedule) and one position of Work Site Supervisor, to be filled on a seasonal basis, Grade 16A (\$10.48 per hour seasonal salary schedule) in the Department of Social Services, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then these positions shall be automatically abolished, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Accounts:

A.4610	Federal Admin.	\$ 5,134.00
A.4618	FFFS	\$24,452.00

Increase Appropriation Accounts:

A.6010.109	Part-time Wages	\$ 4,769.00
A.6010.833	FICA	\$ 365.00
A.6018.111	Participant Wages	\$22,714.00
A.6018.833	FICA	\$ 1,738.00.

MR. VECCHIARELLA moved, seconded by Mr. Ward to waive Rule 12. Carried.

Adopted September 23, 2009 by voice vote.

**ACT NO. 509-2009** by Mr. Aiello and Mr. Snyder  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS  
WITH VARIOUS INDIVIDUALS FOR  
HEALTH DEPARTMENT RN, LPN AND HHA SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is in need of various services for its clinics and homecare programs, and

WHEREAS, the County Health Department shall contract with various registered nurses (RNs), licensed practical nurses (LPNs) and home health aides (HHAs) for the provision of services for the Health Department clinics and homecare programs, at the following rates:

Registered Nurse	\$25/hour for clinics
Registered Nurse	\$37/hour for homecare
Licensed Practical Nurse	\$20/hour
Home Health Aide	\$19/hour,

and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various RNs, LPNs and HHAs, for the provision of the above-described services, for a term commencing September 1, 2009 and terminating December 31, 2010, according to the above-described terms.

MS. VICKMAN moved, seconded by Mrs. Witte to waive Rule 12. Carried.

Adopted September 23, 2009 by voice vote.

MR. SNYDER moved, seconded by Mr. Aiello to adjourn until October 14, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 3:55 p.m.

Ann M. Giglio  
Journal Clerk